IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9758 of 2005

Between:

A.Sudhakara Babu S/o.Pullanna
R/o.D.No.4/501-14, Tadipathri Village and Mandal
Ananthapur District.

..... PETITIONER

AND

1 The Depot Manager APSRTC Ananthapur Depot, Ananthapur.
2 The Deputy Chief Traffic Manager APSRTC, Ananthapur District, Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the proceedings No.03/2/(16)/93-ATP dt.2.12.1993 Proceedings No.03/2/(16)03 -ATP dt.17.9.1993 of the 1st respondent and Proceedings No.St.19 (325)/1993 DY CTM.A dt.13.9.2000 of the 2ndrespondent as illegal, arbitrary in violation of Principles of natural justice and in violation of Art.14 and21 of the constitution of India and consequentially direct the respondents to add two annual increments to the pay of the petitioner.

Counsel for the Petitioner: S.SURENDRA KUMAR

Counsel for the Respondents: MR.P.VINAYAKA SWAMY (SC FOR APSRTC)

The Court at the admission stage made the following O R D E R:

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

The petitioner questions the order dated 02-12-1993 imposing punishment of postponement of annual increment for a period of two years, which shall have the effect of postponing the future increments.

The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting any enquiry.

This Court in **S.K.Mastan v. Managing Director, APSRTC**, held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one annual increment without cumulative effect.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment for a period of two years, which shall not have the effect of postponing the future increments. By virtue of this order, petitioner is not entitled for any monetary benefits from the date of punishment till this date. However, he is entitled for increments on notional calculation. No costs.

(K.C.BHANU,J)

Dt:27th April, 2005

KVR

To

1 The Depot Manager APSRTC Ananthapur Depot, Ananthapur.
2 The Deputy Chief Traffic Manager APSRTC, Ananthapur District, Ananthapur.

3. 2 C.D. copies.